

## **REMARKS**

### **Oath/Declaration**

The Office Action ("O.A.") objected to the declaration as defective for inadvertently failing to identify the citizenship of the inventor. Enclosed herewith is a new declaration, signed by applicant, which in compliance with 37 CFR 1.67(a), identifies the citizenship of the inventor, the application serial number and the filing date for this application.

### **Amendments to the Specification**

By the above amendments, Applicant has amended the title of the invention on page 1 to emphasize the novelty of the invention over the prior art. Applicant has also amended the specification to correct a minor typographical error on page 2. No new matter has been added to the specification.

### **Rejection of Claims 31 to 36 under Sections 101 and 112**

The O.A rejected claims 31 to 36 under sections 101 and 112 as failing to comply with the subject matter and enablement requirements, respectively. By the above amendments, applicant hereby cancels claims 31 and 36 without prejudice. Applicant reserves the right to pursue the canceled claims at a later stage of prosecution or in a continuation application.

### **Amendments to the Claims**

By the above amendments, and consistent with the arguments below, applicant has amended claims 1, 2, 7, 8, 9, 10, 11, 15, 16, 18, 19, 22, 23, 25, 27, 28 and 30 to define the invention more particularly and distinctly so as to overcome the rejections in the O.A. and define the invention patentably over the prior art.

### **ARGUMENTS**

#### **The Rejection of Claims 1, 3, 4, 6-10, 12-19 and 23-30 on Sandhu and Moon is Overcome**

The last O.A. (at paragraph 9) rejected claims 1, 3, 4, 6-10, 12-19 and 23-30 as unpatentable over Sandhu (U.S. Pat. No. 6,347,307) in view of Moon (U.S. Pat. No. 6,064,975). Applicant requests reconsideration of this rejection, as now applicable to the amended claims, for the following reasons:

1. The proposed combination of Sandhu and Moon would not show all of the novel features of applicant's invention; and
2. There is no valid justification for combining Sandhu and Moon, much less combining them in the particular manner proposed.

Prior to discussing the above two points and the pending claims, applicant will first discuss the references generally, as well as the novelty and unobviousness of the present invention.

#### **The References and The Differences of the Present Invention Thereover**

**Sandhu** discloses a system and method for conducting interactive and automated financial transactions on computers connected to the Internet. The forty-eight page disclosure contains just four passing references about "a calendar server 200," a graphical user interface and applications that enable users to "maintain a calendar" and "automatically calendar key dates regarding settlements, payments and cash flows." (Sandhu col. 3, line 60; col. 4, lines 43 - 47; col. 5, line 36; col. 7, line 53; Fig. 1). Beyond these brief remarks, Sandhu provides no further

explanation or details about *how* the calendar server, graphical user interface or applications actually work. Thus, Sandhu does not disclose or define in any way what is actually meant by the phrase “automatically calendar key dates regarding settlement.” Given the complete absence of any descriptive details for the automatic calendaring features, one must conclude that the calendaring functions provided by the Sandhu system must be of a conventional nature, which the inventors thought needed no further explanation. In other words, there is nothing in Sandhu that can fairly or reasonably be interpreted as teaching or suggesting automatic calendaring functions that are in any significant way different from or superior to the functions performed by conventional calendaring systems existing at the time the Sandhu application was filed.

Applicant submits that “automatic calendaring” in a conventional system means the system is capable of moving or copying selected dates from a non-calendaring application to a calendaring application automatically. Automatic calendaring in the conventional sense may also encompass allowing users to move, copy, drag or paste user-selected dates from the non-calendaring application to the calendaring application. To put it another way, the term “automatic calendaring,” in the conventional sense, merely means that calendar data can be shared and exchanged automatically between a calendaring application and a non-calendaring application so that users do not have to manually duplicate calendar data in multiple applications. A common example of this kind of calendar data sharing functionality exists, for instance, in most conventional integrated email and calendaring programs (such as Microsoft Outlook®), which can be configured to automatically generate appointments in the calendar application in response to receiving a meeting request in the e-mail application.

Therefore, Sandhu should be interpreted as merely providing applications that can automatically share calendar data or enable users to automatically move, copy, drag or paste dates created in a trading application running on the trading server into a calendaring application running on the calendar server. Nothing in Sandhu supports alternative or superior calendaring functionality, to say nothing of actually enabling such alternative or superior calendaring functionality.

More importantly, although Sandhu merely discloses the idea of sharing settlement dates between calendaring and non-calendaring applications, nothing in Sandhu can fairly be interpreted as teaching or suggesting the function of automatically generating or determining for a user a set of standard settlement dates pertaining to one or more terms of a financial transaction. The set of standard settlement dates for a transaction is not the same thing as the settlement date for that transaction. For example, if the transaction comprises a foreign exchange “forward contract,” then, no matter which date the parties select as the *actual* settlement date, the set of standard settlement dates for the transaction will correspond to the dates that fall exactly one month, two months, three months, six months and twelve months after the date the deal is made. The set of standard settlement dates is determined according to a term for the transaction, namely, the term indicating that the transaction type is forward contract. Sandhu does not disclose generating or providing standard settlement dates based on a transaction term. Nor does Sandhu teach or suggest the notion or utility of displaying the standard settlement dates to the user on a calendar in a visibly distinctive manner.

**Sandhu** also contains passing references to a “news and research server” that enables users “to obtain real-time market data and news.” (Sandhu col. 4, lines 47-50). However, Sandhu provides this functionality merely by supplying real-time “connections” to a multiplicity of real-time market data feeds, news services and third party data feeds. (Sandhu, col. 4, lines 51-53). These “connections” do not automatically retrieve or consolidate news or market research for the user; nor do the connections automatically filter the research results based on one or more terms of a particular financial transaction. Therefore, if a user wishes to find and review market data and news, then he must manually access the multiplicity of connections provided by Sandhu and perform the research on his own. He must then manually filter the research results to remove any results that do not relate to the terms of his particular transaction. If his interest is only in future market-related events, then he must also filter out results pertaining to current and past market related events. Finally, if the user wishes to see the results in a more useful consolidated electronic document, such as an electronic calendar, then he must also manually consolidate all of the research results and create the single electronic calendar himself. Nothing

in Sandhu teaches or suggests that the system will automatically perform any of these tasks for the user. All Sandhu discloses is the idea of providing the user with connections to do it himself. Moreover, nothing in Sandhu teaches or suggests the notion or utility of consolidating search results into a single document that also includes a highlighted set of standard settlement dates pertaining to the terms associated with the user's particular transaction.

**Sandhu** also proposes what is described as a new syntax for text documents that are distributed between back-end financial transaction servers on the World Wide Web. The proposed syntax, called FinXML, is used to communicate the details of financial transactions and related data. (Sandhu col. 7, line 54 – col. 8, line 67). With the proposed syntax, financial transaction objects (such as trades) are stored and transmitted using defined FinXML data structures. Accordingly, most of Sandhu's forty-eight page disclosure is devoted to defining the FinXML syntax for various types of financial transaction objects that might need to be encoded, transmitted and decoded by the back-end servers. Some of the defined FinXML data structures include defined calendar elements that store data values indicating which calendar(s) should be used to determine the applicable business holidays for the financial transaction. (Sandhu col. 9, line 53 – 56; col. 14, lines 48-51; col. 16, lines 11-14; col. 17, lines 12-13; col. 23, lines 11-12; col. 24, lines 45-46). Thus, the defined calendar element merely contains a data value which represents a "selection" or "choice" of calendar. It does not contain data representing the actual content of a selected calendar or any particular date on the selected calendar. Moreover, nothing in Sandhu teaches or suggests actually displaying the selected or chosen calendar to a user, which is understandable given that the whole purpose of the FinXML syntax is to facilitate communication between computer applications running on financial transaction servers, not communication between computer applications and users. Since there are no users involved in the handling and processing of the FinXML documents, there is no reason or opportunity to display any information to a user, much less any information constituting the actual calendar dates for business holidays.

Notably, Sandhu's FinXML syntax includes defined "settlement date" elements for trades, which in every case is described as "the date on which the trade will be settled." (Sandhu

col. 14, lines 12-13; col. 15, lines 42-43; col. 19, lines 5-6; col. 22, lines 53-54). Thus, it is clear from the disclosure that the only type of “settlement date” disclosed or contemplated by the Sandhu system, and therefore the only type of settlement date transmitted between computer systems, are actual settlement dates for the trades, which, again, are not the same thing as the set of standard settlement dates for those trades.

**Applicant’s Invention** is very different from the functionality disclosed in the Sandhu reference. First, applicant does not claim to have invented a system that merely enables automatic calendaring (i.e., automatic sharing, moving, dragging, copying or pasting) of actual settlement dates from one application to another. Rather, applicant’s invention automatically determines a set of standard settlement dates pertaining to a set of transaction terms, and further, displays that set of standard settlement dates to a user on a calendar in a visibly distinctive manner. (See, e.g., pages 17-19 and Figs. 4A and 4B of applicant’s disclosure). Typically, although not necessarily, the set of standard settlement dates for a transaction are determined according to the transaction type and without regard to an actual settlement date ultimately selected by the parties. Thus, if the transaction comprises a foreign exchange “forward contract,” then applicant’s invention will automatically determine the set of standard settlement dates for the particular forward contract (which correspond to the dates that will occur one month, two months, three months, six months and twelve months after the date the deal is made), and then display that set of standard settlement dates to the user on a calendar in a visibly distinctive manner. Although the parties are typically free to select one or more of the standard settlement dates as the actual settlement date, they are usually not required to do so.

Second, applicant’s invention will automatically determine and display on the calendar, along with the highlighted set of standard settlement dates, a set of future market-related events pertaining to the terms of the user’s particular transaction. For example, if the transaction involves a trade of U.S. dollars for Japanese yen, then the invention will display only those future market-related events that would be considered to be relevant to the performance of the financial markets in the United States and Japan. The invention will exclude from the display past and

current market-related events, as well as future market-related events considered to be irrelevant to the financial markets of the United States and Japan.

Like Sandhu, applicant's invention provides news and market research links a user can access to perform research if he so desires. However, unlike Sandhu, applicant's invention also automatically identifies, filters and consolidates the future market-related events for the user and displays the results to the user without the user having to access the provided links.

Consequently, with the applicant's invention, the user is not required to divert his time, energy and resources to manually performing these tasks if he does not want to do so. Sandhu does not give the user a choice in this matter because any information pertaining to future market-related events must be retrieved, analyzed, filtered and consolidated by the user himself.

Third, applicant's invention will also automatically determine, based on one or more transaction terms, such as the selected currency, a set of holidays pertaining to the transaction. If a selected currencies are the United States dollar and Japanese yen, for instance, then applicant's invention will automatically determine all of the U.S. specific holidays (e.g., Independence Day, Labor Day, Presidents Day, etc.), as well as all of the Japanese holidays, that might impact the user's selection of an actual settlement day and highlight those specific holidays on a calendar displayed to the user.

In sum, applicant's invention allows a user to determine at a glance: (1) the exact date of any standard settlement date for a proposed financial transaction, (2) where any particular standard settlement date falls relative to a future market-related event pertaining to one or more of the transaction's terms (such as the selected currency), and (3) where any particular standard settlement date will fall relative to a holiday associated with a term in the transaction. Sandhu's system does not teach or suggest automatically providing any of this information; nor does Sandhu even recognize the utility of providing this information to a user engaged in setting or negotiating an actual settlement date.

**Moon** discloses an apparatus and method for highlighting holidays pertaining to a specified geographical location. (Moon col. 2, lines 14-21). Unlike applicant's invention, however, Moon does not teach or suggest the notion or utility of also displaying a set of standard

settlement dates for a given financial transaction based on one or more terms of the transaction. Nor does Moon teach or suggest displaying a set of future market-related events pertaining to one or more terms of the transaction.

**The Proposed Combination Of Sandhu And Moon Would Not Show All Of The Novel Features Of Applicant's Invention**

The O.A. (at paragraph 10) states that Sandhu discloses:

- (a) a means to “automatically calendar key dates regarding settlement, payments, cash flows and other details related to their financial derivative transactions and portfolios,”
- (b) a news and research server that captures real-time market data and news services,
- (c) a calendar server that provides a graphic user interface with the ability to automatically calendar key dates regarding settlement, payments, cash flows and other details related to their portfolio, and
- (d) a “Payment Calendar” as part of trade details that has reference to business holidays.

However, Sandhu does not teach or suggest the features the Examiner relies upon it as supposedly teaching. Regarding the calendaring features referenced in paragraphs 10(a) and 10(c) of the O.A., Sandhu merely discloses a system that automatically shares (or allows users to move, copy, drag and paste) actual settlement dates between a graphical user interface running on the trading server (where the user performs trades) and a graphical user interface running on the calendar server (where the user “maintains a calendar”). (Sandhu, col. 4, lines 31-33 and lines 43-47). Moreover, unlike applicant's invention, Sandhu's system does not disclose determining or generating a set of standard settlement dates for the user's particular financial transaction. Furthermore, Sandhu's system does not disclose displaying a calendar to a user highlighting the set of standard settlement dates for the transaction.



Regarding the news and research server features referenced in paragraph 10(b) of the O.A., Sandhu's news and research feature merely provides connections to real-time market data feeds, news services and third-party data feeds, which allow the user to perform his own market data and news research, if so inclined. (col. 4, lines 43-53). The system does not automatically perform the market research for the user and does not retrieve, filter or display to the user a calendar containing a set of prospective market-related events that could effect the user's particular transaction. Thus, if a user wishes to have this information while trying to negotiate a settlement date for a transaction, he must perform a substantial amount of work himself.

Applicant's invention, on the other hand, recognizes and solves this problem, not merely by providing "connections" to a multiplicity of different research tools for the user to perform his own research, but by actually retrieving, filtering and consolidating future market-related events pertaining to the user's particular transaction, and displaying the future market-related events to the user on a single integrated calendar, even though the set of future market-related events may arise from a multiplicity of different nations, economic systems, governmental bodies or financial organizations. These future market-related events are displayed along with the set of standard settlement dates for the transaction, so that the user can see at a glance all of the significant intervening market-related events and standard settlement dates surrounding any actual settlement date he might choose. Automatically retrieving, filtering, consolidating and displaying future market-related events to the user in this manner constitutes functionality that is lacking from the Sandhu system.

Regarding the "payment calendar" feature referenced in paragraph 10(d) of the O.A., Sandhu merely provides a syntax definition for storing, transmitting and processing financial objects which includes a defined element (the Payment Calendar element) that represents a choice of calendar to be used as a reference by back-end processing systems to determine business holidays. Utilizing the defined syntax (FinXML), the data structures or the data structure values in this manner does not automatically cause any holiday dates or other calendar information to be automatically retrieved, filtered, consolidated or displayed to a user, primarily because no users are involved in the communicating and processing of FinXML documents.

Therefore, unlike applicant's invention, Sandhu does not teach or suggest determining and displaying a set of holidays pertaining to the user's particular financial transaction. Applicant's invention determines a set of prospective holidays associated with a particular territory associated with the terms of the transaction, and further displays those prospective holidays on a calendar along with the set of standard settlement dates for the transaction, as well as a set of future market-related events.

In sum, unlike the applicant's invention, Sandhu does not disclose determining and displaying to a user (1) a set of standard settlement dates for a transaction, (2) a set of future intervening market-related events for the transaction or (3) a set of prospective holidays pertaining to a selected territory associated with the transaction. Although Moon discloses a method and apparatus for highlighting holidays pertaining to a selected territory, Moon does not teach or suggest automatically identifying and displaying a set of standard settlement dates, and automatically identifying and displaying a set of future market-related events for a specified transaction. Therefore, Moon does not supply two of the three features of applicant's invention that are lacking from Sandhu. For this reason, applicant's invention is different and vastly superior to the systems disclosed in either Sandhu or Moon, or any possible combination thereof.

#### **The Amended Claims Clearly Recite Novel and Nonobvious Features of Applicant's Invention**

Consistent with the foregoing discussion, applicant has added appropriate language to each of the independent claims 1, 8, 23, 25 and 28, as well as each of the dependent claims 2, 7, 9, 10, 11, 15, 16, 18, 19, 22 and 27 to further emphasize the novel and nonobvious features of applicant's invention over Sandhu and Moon.

Where appropriate, applicant has:

- (a) added the phrase "to a user" to the claim in order to emphasize that the electronic calendar is displayed to a user;

- (b) changed the phrase “set of settlement dates” to “set of standard settlement dates” in order to distinguish the claimed invention from systems that merely calendar an actual or proposed settlement date;
- (c) changed the phrase “set of market-related events” to “set of future market-related events” in order to distinguish the claimed invention from systems that merely allow the user to retrieve current and past market related events; and
- (d) changed the phrase “holidays pertaining to a territory” to “holidays pertaining to a territory associated with the set of transaction terms.”

Amended claim No. 1, which is reproduced immediately below, illustrates the effect of these changes.

1. (CURRENTLY AMENDED) A computer-readable storage medium encoded with a program executable by a computer for display of an electronic market calendar to a user, the electronic market calendar comprising:

a set of standard settlement dates pertaining to a set of transaction terms;

a set of future market-related events pertaining to the set of transaction terms;

a set of holidays pertaining to a territory associated with the set of transaction terms; and

a plurality of calendar dates including the set of standard settlement dates, the set of future market-related events and the set of holidays;

wherein each one of the plurality of calendar dates that is a member of the set of standard settlement dates is displayed in a visibly distinct manner from each one of the plurality of calendar dates that is not a member of the set of standard settlement dates,

each one of the plurality of calendar dates that corresponds to a member of the set of future market-related events is displayed in a visibly distinct manner from each one of the plurality of calendar dates that does not correspond to a member of the set of future market-related events, and

each one of the plurality of calendar dates that corresponds to a member of the set of holidays is displayed in a visibly distinct manner from each one of the plurality of calendar dates that does not correspond to a member of the set of holidays.

All of these changes to the claims are amply supported in applicant's original application, for example, at page 2, line 23, page 3, lines 15-24, page 4, lines 7-10, page 5, lines 4-7, page 8, lines 5-25, page 10, lines 8-20, page 13, lines 3-12, page 19, lines 13-15 and figures 4A and 4B. Applicant submits that the features which provide the novel and nonobvious features of applicant's invention over Sandhu and Moon are now clearly recited in all of the amended claims.

#### **The Remaining Dependent Claims Are *a Fortiori* Patentable Over Sandhu and Moon**

Claims 3-6, 12-14, 17, 20-21, 24, 26 and 29, which have not been amended, as well as claim 30, which has been amended to correct a minor typographical error, incorporate all of the subject matter of the amended claims from which they depend and add additional subject matter. Therefore, these claims are *a fortiori* patentable over Sandhu and Moon, and any combination thereof.

**There is No Valid Justification for Combining Sandhu and Moon, Much Less Combining Them In the Manner Proposed.**

In order for prior art references to be validly combined for use in a prior art § 103 rejection, a suggestion or motivation to combine must be found in the teachings of the prior art references themselves, the nature of the problem to be solved or the common knowledge of persons of ordinary skill in the art. WMS Gaming, Inc. v. Int'l Game Tech., 184 F.3d 1339, 1355 (Fed. Cir. 1999); In re Rouffet, 149 F.3d 1350, 1356 (Fed. Cir. 1998). Although the suggestion to combine references may flow from the nature of the problem, "defining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness." Ecolochem, Inc. v. Southern Cal. Edison Co., 227 F.3d 1361, 1372 (Fed. Cir. 2000) (citing Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 880 (Fed. Cir. 1998)). "We cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In Re Fine, 837 F.2d 1071, 1075 (Fed. Cir. 1988).

In addition, it is improper to combine prior art references without *evidence* that "a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." In Re Rouffet, 149 F.3d at 1357. "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" In Re Dembiczak, 175 F.3d 994, 999 (Fed Cir. 1999). Conclusory statements by the USPTO that it would have been obvious to the skilled artisan to combine two cited references to make the claimed invention do not fill the USPTO's obligation to explain all material facts relating to the motivation to combine. Dystar v. C.H. Patrick, Co., 464 F.3d 1356, 1366 (Fed. Cir. 2006). In the Dystar opinion, the Federal Circuit Court explained its reasoning for vacating the lower court's finding of obviousness in Teleflex, Inc. v. KSR, Inc., 119 Fed. App'x 282 (Fed. Cir. 2005)(unpublished) as follows:

"[W]e vacated because the court did not explain sufficiently its rationale, and failed to make 'findings as to the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of [the] invention to

make the combination in the manner claimed.”

Dystar, 464 F.3d at 1367.

In the present case, Moon, which discloses a device for highlighting the holidays of a particular locale, provides no express or implied hint or suggestion to combine its teachings with any kind of financial transaction or trading system, much less a financial transaction or trading system that determines or displays settlement dates and market-related news. In fact, the words, “financial,” “transaction,” “settlement,” “market,” “news” and “trading” do not appear anywhere in the entire Moon disclosure. The Moon disclosure is simply bereft of any language whatsoever that could arguably suggest using the holiday highlighting device for financial transactions or in the financial markets. Similarly, Sandhu contains no express or implied hint or suggestion about displaying or highlighting holidays for a user’s benefit. Therefore, no suggestion or motivation to combine Sandhu and Moon to obtain applicant’s invention can be found in the references themselves.

Nevertheless, the O.A. frequently asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Sandhu with Moon in order to create a system that displays and highlights settlement dates, market-related events and holidays. (See O.A. at paragraphs 10, 17, 18 and 19). The only reason given for this conclusion is the fact that Moon discloses a feature of the applicant’s claimed invention that Sandhu lacks: namely, a method for highlighting holidays pertaining to a geographic locale (See O.A. at pages 4, 6 and 7). The O.A. makes no Graham factor findings, such as a what constitutes the level of ordinary skill in the art, and provides no explanation or evidence whatsoever as to what information, common knowledge, well-known principle or problem-solving strategy the person of ordinary skill in the art is considered to possess or how his possession of such information, knowledge, principle or strategy would have inevitably lead him to combine Moon and Sandhu in the manner proposed.

The O.A. has done what the Federal Circuit Court of Appeals specifically prohibits; namely, it has found a different feature of applicant's invention in multiple unrelated prior art references and, without providing any evidence of ordinary skill in the art, suggestion or motivation, simply concluded that a skilled artisan would have been lead to combining those prior art references in a specific manner to obtain applicant's invention. Since the O.A. fails to provide any findings or evidence to support this conclusion, applicant submits that combining Sandhu and Moon in order to reach a conclusion of obviousness is not legally justified and is therefore improper. See In Re Dembiczak, 175 F.3d at 1000 (holding that the Board of Patent Appeals and Interferences' obvious determination was legally insufficient because, in addition to failing to make Graham findings, the Board's analysis was "limited to a discussion of the ways that the multiple prior art references can be combined to read on the claimed invention, rather than pointing to specific information in the two references that suggest the combination").

Thus, applicant respectfully submits that the rejection on these references is improper and should be withdrawn.

#### **The Rejection of Claims 2, 5, 11 and 20-22 on the Combination of Sandhu, Moon and Briefing.com is Also Overcome**

The O.A. (at section 21) rejected claims 2, 5, 11 and 20-22 as unpatentable over Sandhu and Moon in further view of Briefing.com. Applicant also requests reconsideration of this rejection, as now applicable to the amended claims, for the following reason:

1. The proposed combination of Sandhu, Moon and Briefing.com would not show all of the novel features of applicant's invention.

As shown above, Sandhu and Moon both lack the feature of determining and displaying to a user a calendar highlighting a set of standard settlement dates pertaining to one or more

terms of a financial transaction. Sandhu and Moon also both lack the feature of determining and displaying to a user a calendar highlighting a set of future market-related events pertaining to one or more terms of the transaction. **Briefing.com** purportedly discloses an “Events Calendar” comprising “a full-year listing of speeches, meetings, holidays, etc., of interest to the markets,” and a “Monthly Planner” comprising “an economic and event calendar presented in monthly wall calendar format.” However, Briefing.com only discloses events of a very general nature and of interest to all financial markets. Nothing in Briefing.com may be said to supply the features of applicant’s invention that are missing from Sandhu and Moon. Therefore, the proposed combination of Sandhu, Moon and Briefing.com would still not show all of the novel features of applicant’s invention. For this reason, applicant respectfully submits that the rejection on the combination of these three references is also improper and should be withdrawn.

## **CONCLUSION**

For all of the reasons stated above, applicant submits that this application is now in condition for allowance, which action the applicant respectfully solicits.

### **Conditional Request for Constructive Assistance**

If, for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P § 2173.02 and § 707.07(i) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

### **Request for Further Time Extensions and Payment of Fees, If Required**

If any further extension of time or additional fees for this Amendment are required, applicant hereby requests that this paper be considered a petition therefore. The Director is



hereby authorized to charge any additional fees to Deposit Account No. 50-2839 under Attorney Docket No. 26977-010US1.

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Respectfully submitted,

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